



002.00270

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David Hardie et al. )  
Serial No.: 10/565,058 ) Examiner:  
(National Stage of )  
PCT/GB2004/003096) Art Unit:  
Filed: July 16, 2004 )  
For: METHODS FOR USE OF AN )  
LKB1/STRAD7M025 COMPLEX )

**RESPONSE TO NOTICE OF MISSING REQUIREMENTS**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US), which was mailed by the United States Patent and Trademark Office on **April 21, 2006**, enclosed are:

- (X) An executed Declaration for Utility or Design Patent Application in accordance with 37 CFR §1.497(a) and (b). (2 pgs)
- (X) A Communication regarding the supplemental fees.
- (X) A Copy of the Notification of Missing Requirements.
- (X) The Commissioner is hereby authorized to charge any fees which may be required, to Deposit Account No. 50-0772. **A duplicate copy of this sheet is enclosed.**

06/29/2006 MKAYP23X 00000133 500772 10565050

01 FC:1524	400.00 SA
02 FC:1525	250.00 SA
03 FC:1526	350.00 SA

Respectfully submitted,

June 21, 2006  
Date

Karla M. Weyand  
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Reg. No. 40,223

Rogalskyj & Weyand, LLP  
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**COMMUNICATION**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) ("Notice"), supplemental fees of \$1260 are listed as due. For the reasons discussed below, Applicants do not believe these additional fees are due.

The Notice indicates that \$250 is owing for additional pages in excess of 250 pages. Applicants have paid fees for an additional 150 pages (i.e. 250 total pages). The application as filed includes 168 pages of specification and 38 pages of drawings. Under 37 CFR 1.492(j), sequence listings are **not** included in the count. Accordingly, as the present application has a page count of less than 250 pages and applicants have already paid additional fees to cover a page count up to 250 pages, applicants believe no additional fees for additional pages are due.

The Notice indicates that \$400 is due for 7 additional independent claims. Applicants note that, as per the preliminary amendment filed on January 17, 2006 (submitted with the submission under 35 U.S.C. 371) ("Preliminary Amendment"), independent claims are claims 1, 3, 6, 10, 25,

27, 33 and 35. Thus there are a total of 8 independent claims, for which an additional \$1000 was paid. Thus, as there are only 8 independent claims, Applicants believe no other additional fees are due for independent claims.

The Notice indicates that an additional \$250 is due for additional claims over 20. As per the Preliminary Amendment, claim 13, 15, 17, 18 and 30 were canceled, leaving 30 total claims. An additional \$500 was paid for the 10 claims over 20, accordingly, applicants believe that no other additional fees are due for additional claims over 20.

The Notice indicates that a fee of \$360 is due for a multiple dependent claim surcharge. All multiple dependencies were removed in the Preliminary Amendment, accordingly, applicants believe that no fee is due for multiple dependent claims.

Although applicants believe that no additional fees are due, in the event that additional fees are owing, the Commissioner is hereby authorized to charge any fees which may be required, to Deposit Account No. 50-0772. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

June 21, 2006  
Date

Karla M. Weyand  
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Reg. No. 40,223

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27, 33 and 35. Thus there are a total of 8 independent claims, for which an additional \$1000 was paid. Thus, as there are only 8 independent claims, Applicants believe no other additional fees are due for independent claims.

The Notice indicates that an additional \$250 is due for additional claims over 20. As per the Preliminary Amendment, claim 13, 15, 17, 18 and 30 were canceled, leaving 30 total claims. An additional \$500 was paid for the 10 claims over 20, accordingly, applicants believe that no other additional fees are due for additional claims over 20.

The Notice indicates that a fee of \$360 is due for a multiple dependent claim surcharge. All multiple dependencies were removed in the Preliminary Amendment, accordingly, applicants believe that no fee is due for multiple dependent claims.

Although applicants believe that no additional fees are due, in the event that additional fees are owing, the Commissioner is hereby authorized to charge any fees which may be required, to Deposit Account No. 50-0772. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

June 21, 2006  
Date

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PCT



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/565,058	FIRST NAMED APPLICANT David Grahame Hardie	ATTY. DOCKET NO. 002.00270
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INTERNATIONAL APPLICATION NO.

PCT/GB04/03096

I.A. FILING DATE

07/16/2004

PRIORITY DATE

07/17/2003

35876  
ROGALSKY & WEYAND, LLP  
P.O. BOX 44  
LIVONIA, NY 14487

CONFIRMATION NO. 2111

371 FORMALITIES LETTER



\*OC000000018591328\*

Date Mailed: 04/21/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/17/2006
- Copy of the International Search Report filed on 01/17/2006
- Copy of IPE Report filed on 01/17/2006
- Preliminary Amendments filed on 01/17/2006
- Biochemical Sequence Diskette filed on 01/17/2006
- Biochemical Sequence Listing filed on 01/17/2006
- Request for Immediate Examination filed on 01/17/2006
- U.S. Basic National Fees filed on 01/17/2006
- Priority Documents filed on 01/17/2006
- Specification filed on 01/17/2006
- Claims filed on 01/17/2006
- Abstracts filed on 01/17/2006
- Drawings filed on 01/17/2006
- Paper nucleotide sequence listings filed on 01/17/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$1010** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application

by the International application number and international filing date.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$1260** for a Large Entity:

- The fee for submitting a specification and drawing containing more than 100 pages has not been paid in full. Applicant owes **\$250** for **46** pages in excess of **250** pages for a large entity.
- Total additional claim fee(s) for this application is **\$ 1010**
  - **\$400** for **7** independent claims over 3.
  - **\$250** for **15** total claims over 20.
  - **\$360** for multiple dependent claim surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

#### PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,058	PCT/GB04/03096	002.00270